

# Notice of Allowability

Application No.

09/619,947

Examiner

Mark Fadok

Applicant(s)

KUELBS ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/2004.
2. ☒ The allowed claim(s) is/are 1-13, 15-32, 34-51 and 53-56.
3. ☒ The drawings filed on 27 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/2/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant response to office action mailed 5/25/2004, which was received 10/28/2004. Acknowledgement is made to the amendments to claims 1,10,20,29,39 and 48 and the cancellation of claims 14,33,52 and 57-196, leaving claims 1-13,15-32,34-51 and 53-56 as pending in the instant application. All rejections noted in the Office Action mailed 5/25/2004 have been overcome, thus placing the application in condition for allowance.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth Hill on 2/2/2005.

Claims 15,16,34,35,53 and 54 have been amended as follows:

Delete claims 15,16,34,35,53 and 54 and replace with the following:

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**In claim 15 –**

--15. A method of selling articles of manufacture, according to claim 1, wherein said electronic communications system utilizes a marketing interface to identify said plurality of articles of manufacture which comprises a plurality of cascading user interfaces, wherein said marketing interface includes an affinity reward system for soliciting, receiving and rewarding input from said plurality of potential purchasers concerning proposed articles of manufacture, and for aggregating said input.--

**In claim 16 –**

--16. A method of selling articles of manufacture, according to claim 1, wherein said electronic communications system utilizes a marketing interface to identify said plurality of articles of manufacture which comprises a plurality of cascading user interfaces, wherein said marketing interface includes a demand research model which solicits, receives, and aggregates interest from said plurality of potential purchasers in proposed articles of manufacture.--

**In claim 34 –**

--34. A method of selling articles of manufacture, according to claim 1, wherein said electronic communications system utilizes a marketing interface to identify said plurality of articles of manufacture which comprises a plurality of cascading user interfaces,

wherein said marketing interface includes an affinity reward system for soliciting, receiving and rewarding input from said plurality of potential purchasers concerning proposed articles of manufacture, and for aggregating said input.--

**In claim 35 –**

--35. A method of selling articles of manufacture, according to claim 1, wherein said electronic communications system utilizes a marketing interface to identify said plurality of articles of manufacture which comprises a plurality of cascading user interfaces, wherein said marketing interface includes a demand research model which solicits, receives, and aggregates interest from said plurality of potential purchasers in proposed articles of manufacture.--

**In claim 53 –**

--53. A method of selling articles of manufacture, according to claim 1, wherein said electronic communications system utilizes a marketing interface to identify said plurality of articles of manufacture which comprises a plurality of cascading user interfaces, wherein said marketing interface includes an affinity reward system for soliciting, receiving and rewarding input from said plurality of potential purchasers concerning proposed articles of manufacture, and for aggregating said input.--

**In claim 54 –**

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--54. A method of selling articles of manufacture, according to claim 1, wherein said electronic communications system utilizes a marketing interface to identify said plurality of articles of manufacture which comprises a plurality of cascading user interfaces, wherein said marketing interface includes a demand research model which solicits, receives, and aggregates interest from said plurality of potential purchasers in proposed articles of manufacture.--

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

Claims 1-13,15-32,34-51 and 53-56 are allowable.

The following is an Examiner's statement of the reasons for allowance for all independent claims 1,20, and 39.

The present invention is directed a method of selling aggregated orders over the internet using pricing milestones that are established based on the costs or savings that would be incurred if the product were not to be sold at the current pricing milestone.

Each of the independent claims 1,20 and 39 identifies uniquely distinct features as follows.

**Claim 1,20 and 39**

for selected ones of said plurality of articles of manufacture which are available for purchase, identifying pricing milestones in each of (1) a manufacturing phase and (2) a distribution phase, which corresponds to an increase in commercial risk;

wherein each pricing milestone corresponds to a period of availability in which costs of future supply chain activities or savings related to avoidance of future supply chain activities are reflected in an offer price.

Discussion of most relevant art:

**US Patents and PG-PUB**

(i) US Patent 5,765,143 to Sheldon et al. teaches a method and system for inventory management. Sheldon however, fails to render the above-mentioned application's limitations obvious.

(ii) US Patent 5,794,219 to Brown teaches a method of conducting on-line auctions with bid pooling. Brown, however, fails to render the above-mentioned application's limitations obvious.

(iii) US Patent 6,078,897 to Rubin et al. teaches a method and apparatus optimizing orders for goods or services to increase a discount. Rubin, however, fails to render the application's above-mentioned limitations obvious.

(iv) US Patent 5,953,7007 to Huang et al teaches a method for supply chain management and pricing. Huang, however, fails to render the application's above-mentioned limitations obvious.

(v) US Patent 6,101,484 to Halpert et al. teaches a method for establishing pricing over a time line dependent on number of units sold. Halpert, however, fails to render the application's above-mentioned limitations obvious.

(vi) US Patent 6,269,343 to Pallakoff teaches a method for selling aggregated orders over the Internet. Pallakoff, however, fails to render the application's above-mentioned limitations obvious.

(vii) US Patent 6,151,588 to Tozzolli et al. teaches a method managing a supply chain. Tozzolli, however, fails to render the application's above-mentioned limitations obvious.

(viii) US Patent 6,584,451 to Shoham et al. teaches a method for aggregating buyer power over the Internet. Shoham, however, fails to render the application's above-mentioned limitations obvious.

(ix) US Patent 6,260,024 to Shkedy teaches buyer driven pricing in an online environment. Shkedy, however, fails to render the application's above-mentioned limitations obvious.

(x) US Patent 6,049,778 to Walker et al. teaches early adopters receiving discounts on purchases. Walker, however, fails to render the application's above-mentioned limitations obvious.

### **Foreign Patent Documents**

(xi) WO 01/79961 to Boyle teaches a method for aggregating demand for a plurality of buyers; however, Boyle fails to render the application's above-mentioned limitations obvious.



### **Non-Patent Literature**

(xii) Duke, Charles teaches matching pricing strategies with markets and objectives. Duke, however, does not render the application's above-mentioned limitations obvious.

(xiii) Rajiv Lal teaches a method for developing an optimal discount pricing policy. Rajiv, however, does not render the application's above-mentioned limitations obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7206** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Mark Fadok

Patent Examiner